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BEFORE THE ARIZONA CORPORATION COMMISSION
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WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKETED BY

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AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
POTATO PATCH OWNERS CORPORATION,
DBA POTATO PATCH COMMUNITY WATER
UTILITY FOR AN ADJUDICATION NOT A
PUBLIC SERVICE CORPORATION.

DOCKET NO. W-04096A-02-0233*
W-01936A-02-0233

IN THE MATTER OF THE APPLICATION OF
POTATO PATCH WATER SERVICE, INC. FOR
THE APPROVAL OF THE SALE OF ASSETS
AND TRANSFER OF ITS CC&N TO POTATO
PATCH OWNERS CORPORATION DBA
POTATO PATCH COMMUNITY WATER
UTILITY.

DOCKET NO. W-01936A-02-0677

PROCEDURAL ORDER**BY THE COMMISSION:**

On March 25, 2002, Potato Patch Owners Corporation dba Potato Patch Community Water Utility ("PPCWU") filed with the Arizona Corporation Commission ("Commission") an Application for Adjudication Not a Public Service Corporation ("Adjudication Application").

On September 9, 2002, Potato Patch Water Service, Inc. ("PPWS") filed an Application for Approval for the Sale of Assets and Transfer of the Certificate of Convenience and Necessity ("Certificate") to PPCWU ("SAT Application").

On October 15, 2002, the Commission's Utilities Division ("Staff") filed a Motion for Consolidation stating that the issues in the above-referenced matters were related.

On October 16, 2002, Staff issued its Staff Report.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that pursuant to A.A.C. R14-3-109, the above-captioned matters shall be consolidated for purposes of hearing.

IT IS FURTHER ORDERED that the hearing in the above-captioned matters shall commence on **November 21, 2002 at 9:30 a.m.** or as soon thereafter as is practical, at the Commission's offices

1 in Phoenix, 1200 West Washington, Phoenix, Arizona.

2 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
3 except that all motions to intervene must be filed on or before November 14, 2002.

4 IT IS FURTHER ORDERED that the PPWS and/or PPCWU shall provide public notice of
5 the hearing in these matters, in the following form and style:

6
7 **PUBLIC NOTICE OF HEARING ON THE**
8 **SALE OF ASSETS AND TRANSFER OF CC&N OF POTATO PATCH WATER**
9 **SERVICE, INC. TO POTATO PATCH OWNERS CORPORATION DBA**
10 **POTATO PATCH COMMUNITY WATER UTILITY AND APPLICATION FOR**
11 **ADJUDICATION NOT A PUBLIC SERVICE CORPORATION**
12 **Docket No. W-04098A-02-0233, et al.**

13 On March 25, 2002, Potato Patch Owners Corporation dba Potato Patch
14 Community Water Utility ("PPCWU") filed with the Arizona Corporation Commission
15 ("Commission") an Application for Adjudication Not a Public Service Corporation.

16 On September 9, 2002, Potato Patch Water Services, Inc. ("PPWS") filed an
17 application for approval for the sale of assets and transfer of the CC&N to PPCWU.
18 Copies of the respective applications are available at the respective offices of PPCWU at
19 [insert address] and PPWS at [insert address] and at the Commission's offices for public
20 inspection during regular business hours. If these applications are approved, PPCWU
21 will become your provider of public water service and will not be subject to regulation by
22 the Commission.

23 The Commission will hold a hearing on these matters beginning November 21,
24 2002 at 9:30 a.m. at the Commission's offices, 1200 West Washington Street, Phoenix,
25 Arizona. Public comment will be taken at the outset of the hearing.

26 The law provides for an open public hearing at which, under appropriate
27 circumstances, interested parties may intervene. Intervention shall be permitted to any
28 person entitled by law to intervene and having a direct and substantial interest in the
matters. Persons desiring to intervene must file a written motion to intervene with the
Commission, which motion should be sent to PPCWU and PPWS or their counsel and to
all parties or record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any
party upon whom service of documents is to be made if different than the
intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a
customer or member or property owner or one of the shareholders of either
PPCWU or PPWS).
3. A statement certifying that a copy of the motion to intervene has been mailed to
PPCWU and PPWS or their counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105,
except that all motions to intervene must be filed on or before November 14, 2002. The
granting of intervention, among other things, entitles a party to present sworn evidence at

1 hearing and to cross-examine other witnesses. However, failure to intervene will not
2 preclude any customer from appearing at the hearing and making a statement on such
3 customer's own behalf.

4 If you have any questions or concerns about these applications or have any
5 objections to their approval, or wish to make a statement in support of them, you may
6 write the Consumer Services Section of the Commission at 1200 West Washington
7 Street, Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make
8 comment.

9 The Commission does not discriminate on the basis of disability in admission to
10 its public meetings. Persons with a disability may request a reasonable accommodation
11 such as a sign language interpreter, as well as request this document in an alternative
12 format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-
13 0838, E-mail *shood@cc.state.az.us*. Requests should be made as early as possible to
14 allow time to arrange the accommodation.

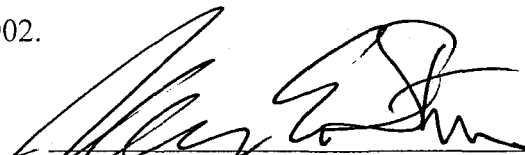
15 IT IS FURTHER ORDERED that PPCWU and/or PPWS shall mail to each of its customers a
16 copy of the above notice by November 4, 2002.

17 IT IS FURTHER ORDERED that PPCWU and/or PPWS shall file certification of mailing as
18 soon as practicable after the mailing has been completed.

19 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing of same,
20 notwithstanding the failure of an individual customer to read or receive the notice.

21 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
22 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

23 DATED this 21st day of October, 2002.

24 
25 MARC E. STERN
26 ADMINISTRATIVE LAW JUDGE

27 Copies of the foregoing mailed/delivered
28 this 21st day of October, 2002 to:

29 Susan Corey
30 System Coordinator
31 7336 South Heather Drive
32 Tempe, AZ 85283
33 Potato Patch Owners Corporation dba Potato Patch Community Water Utility

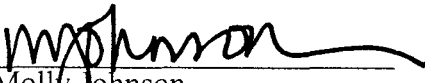
34 Robert Hannay
35 Potato Patch Water Service, Inc.
36 15 Highland Terrace
37 Prescott, AZ 86305
38 ...
39 ...

1 Christopher Kempley, Chief Counsel
2 Legal Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, AZ 85007

6 Ernest G. Johnson, Director
7 Utilities Division
8 ARIZONA CORPORATION COMMISSION
9 1200 West Washington Street
10 Phoenix, Arizona 85007

11 ARIZONA REPORTING SERVICE, INC.
12 2627 N. Third Street, Suite Three
13 Phoenix, Arizona 85004-1104

14 By:

15 
16 Molly Johnson
17 Secretary to Marc E. Stern
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23
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